

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

PATRICK NDUKWE,  
DAVID TRAVERS, and  
MICHELLE MARTIN,

Defendants.

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X

SEALED

INDICTMENT

21 CRIM 700

COUNT ONE

**(Conspiracy to Commit Health Care Fraud)**

The Grand Jury charges:

1. From at least in or about May 2017, up to and including in or about March 2020, in the Southern District of New York and elsewhere, PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN, the defendants, and others known and unknown, willfully and knowingly, did combine, conspire, confederate, and agree together and with each other to commit health care fraud, in violation of Title 18, United States Code, Section 1347.

2. It was a part and object of the conspiracy that PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN, the defendants, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property

owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, in violation of Title 18, United States Code, Section 1347.

(Title 18, United States Code, Section 1349.)

**COUNT TWO**  
**(Health Care Fraud)**

The Grand Jury further charges:

3. From at least in or about May 2017, up to and including in or about March 2020, in the Southern District of New York and elsewhere, PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN, the defendants, knowingly and willfully executed, and attempted to execute, a scheme and artifice to defraud a health care benefit program and to obtain, by means of false and fraudulent pretenses, representations, and promises, money and property owned by, and under the custody and control of, a health care benefit program, in connection with the delivery of and payment for health care benefits, items, and services, to wit, the defendants, who were either employees of Medical Answering Services, a transportation management company that is contracted by the New York State Department of Health to manage Medicaid-funded transportation or Quality Services Medical Transportation, a transportation company based in Bronx, New York, that offers Medicaid-funded transportation, worked

together to submit fraudulent claims for payment for Medicaid-related transportation services and to steer Medicaid-funded transportation claims to Quality Services Medical Transportation.

(Title 18, United States Code, Sections 1347 and 2.)

**COUNT THREE**  
**(Theft of Government Funds)**

The Grand Jury further charges:

4. From at least in or about May 2017, up to and including in or about March 2020, in the Southern District of New York and elsewhere, PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN, the defendants, did embezzle, steal, purloin, and knowingly convert to their use and the use of others, vouchers, money, and things of value of the United States and a department and agency thereof, to wit, the United States Department of Health and Human Services, which exceeded the sum of \$1,000, and did receive, conceal, and retain the same with intent to convert it to their use and gain, knowing it to have been embezzled, stolen, purloined and converted, to wit, the defendants, who were either employees of Medical Answering Services or Quality Services Medical Transportation, worked together to submit false claims for payment to Medicaid, which

is partially funded by the federal government, and subsequently obtained funds pursuant to those claims.

(Title 18, United States Code, Sections 641 and 2.)

**COUNT FOUR**  
**(Aggravated Identity Theft)**

The Grand Jury further charges:

5. From in or about May 2017 up to and including in or about March 2020, in the Southern District of New York and elsewhere, PATRICK NDUKWE the defendant, knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, the defendant, who owned Quality Services Medical Transportation, obtained identifying information for other individuals and submitted that information to Medicaid in furtherance of the offenses charged in Counts One, Two, and Three of this Indictment.

(Title 18, United States Code, Sections 1028A(a)(1) and (b),  
and 2.)

**COUNT FIVE**  
**(Violation of Anti-Kickback Statute)**

The Grand Jury further charges:

6. From in or about May 2017, up to and including in or about March 2020, in the Southern District of New York and elsewhere, PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN,

the defendants, willfully and knowingly would and did offer and pay remuneration (including kickbacks, bribes, and rebates), directly and indirectly, overtly and covertly, in cash and in kind, (1) to a person to induce such person to refer Medicaid beneficiaries to a person for the furnishing and arranging for the furnishing of items and services for which payment may be made in whole and in part under a Federal health care program, and (2) to Medicaid beneficiaries to induce those beneficiaries to purchase, lease, order and arrange for and recommend purchasing, leasing and ordering goods, facilities, services and items for which payment may be made in whole and in part under a Federal health care program, to wit, the defendants paid Medicaid beneficiaries "kickbacks" to induce them to schedule Medicaid-funded transportation and submitted that information to Medicaid in furtherance of the offenses charged in Counts One, Two, and Three of this Indictment.

(Title 42, United States Code, Section 1320a-7b(b)(2); and Title 18, United States Code, Section 2.)

#### **FORFEITURE ALLEGATION**

7. As a result of committing the offenses alleged in Counts One, Two, and Five of this Indictment, PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), any and all property, real and

personal, that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses.

8. As a result of committing the offense alleged in Count Three of this Indictment, PATRICK NDUKWE, DAVID TRAVERS, and MICHELLE MARTIN, the defendants, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28 United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

**Substitute Asset Provision**

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;

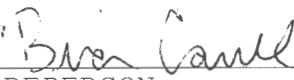
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property.

(Title 18, United States Code, Sections 981, 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)

  
FOREPERSON

  
DAMIAN WILLIAMS  
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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SEALED  
INDICTMENT

(18 U.S.C. §§ 641, 1028A(a)(1),  
1028A(b), 1347, 1349, and 2; and  
42 U.S.C. § 1320a-7b)

DAMIAN WILLIAMS  
United States Attorney

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*Brian Cawell*

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Foreperson

True Bill, Arrest warrant  
+ Sealed Indictment filed.  
Before OTW 11/15/21  
*[Signature]*